

REMARKS

Response to Restriction Requirement

In response to the Restriction Requirement, Applicant hereby elects for prosecution in the present application the invention of Group I, claims 1-6 and 10 drawn to a product of formula 1. In response to the requirement for election of a single species, Applicant hereby elects the compound of Example 7,

3-{4-[2-(4-benzoylphenoxy)ethyl]phenyl}-2-{{[2-(4-hydroxyphenyl)ethyl]thio}propanoic acid, which is also the 7th listed compound in claim 4. Compound claims 1-4 encompass the elected species; and the pharmaceutical formulation, pharmaceutical composition, method of treatment and process for making claims encompass formulations and compositions comprising such species, methods of treatment by administration of such species, and processes for making such species. This election is made with traverse with respect to the required election of species.

Claim Amendments

Elected claims 1, 2, 3 and 5 have been amended above with respect to format and other formal matters more generally accepted under US practice, without changing the intended scope of these claims.

Elected claim 4 has been placed in independent form and otherwise has been amended only with respect to format and other formal matters.

Claim 6 has been cancelled as being a duplicate of elected claim 5.

Elected claim 10 has been amended to remove the “such as” phrase, which is not generally acceptable under US practice.

New elected composition claim 13 is dependent on claim 10 and more specifically defines the other therapeutic agent in terms of specific disorders associated with the development and progress of atherosclerosis. Support for claim 13 is found, *inter alia* in original claim 10, being the specific “such as” disorders removed by the above-noted amendment to claim 10.

Non-elected method of treatment claim 9 has been amended to be dependent on claim 1 only and has been designated as “withdrawn.”

Non-elected process for preparing claim 11 has been amended to remove the “such as” phrase, which is not generally acceptable under US practice, and has been designated as being “withdrawn.”

Non-elected process claim 12 has been amended in formal respects and has been designated as being “withdrawn.”

It should be clear that no new matter has been added by the above amendments, and entry of these amendments is respectfully requested. Following entry of these amendments, elected claims 1-5, 10 and 13 are actively pending in this application and non-elected claims 7, 9, 11 and 12 remain pending but designated as “withdrawn” so that they can be rejoined upon allowance of an elected generic claim.

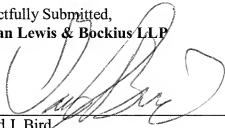
Information Disclosure Statement

The Examiner’s attention is drawn to the Information Disclosure Statement that is being submitted herewith presenting a table of applications of Applicant’s assignee that are technically related to the subject matter of the invention claimed in the subject application, together with a form PTO-1449 listing the US publication of these applications and also listing the publication of the corresponding PCT application and other PCT applications of Applicant’s assignee not having a currently pending corresponding US application.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Director is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit

Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,
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